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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/612,310

07/02/2003

Louis Robert Litwin

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24498

7590

12/10/2008

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EXAMINER

PUENTE, EVA YI

ART UNIT

PAPER NUMBER

2611

MAIL DATE

DELIVERY MODE

12/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/612,310 | Applicant(s) LITWIN ET AL. | |
| | Examiner EVA Y. PUENTE | Art Unit 2611 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-14 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 15 is/are rejected.
- 7) ☒ Claim(s) 3-9,16-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/8/08 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view.

Claim Objections

2. Claim 15 is objected to because of the following informalities: on line 3, please change "the received signal" to -- a received signal --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sawahashi et al. (5,774,494).

a) Regarding claims 1 and 15, Sawahashi teaches an apparatus for performing a cell search, the apparatus comprising: (figure 2)

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a first correlation arrangement that correlates for a primary synchronization code in a received signal to produce a first correlated signal (correlation detection elements 48 and 49, which generate output S_{15} ; col.5, L 63- Col 6, L 29);

a second correlation arrangement that correlates for a secondary synchronization code (the primary synchronization code and secondary synchronization code does not have to be different. Clock signals with difference delays (block 47) are used to deprecure a spread code in block 17, 48, and 49, respectively) in the received signal to produce a second correlated signal (correlation detection element 17, which generate output S_{3I} , S_{3Q} ; col.5, L 8-11); and

logic that derives a frequency adjustment signal from the first correlated signal (blocks 58 and 59) and combines the frequency adjustment signal with the second correlated signal to reduce a frequency offset in the second correlated signal (frequency adjustment signals S_{4I} , S_{4Q} are combined with S_{3I} , S_{3Q} at mixer 25 to produce frequency error corrected output; Col 6, L50-59) such that a secondary synchronization channel of a cell is acquired (synchronization and frequency error correction on a secondary synchronization channel (elements 17, 25, and 22) is acquired; Col 5, L1-7).

b) Regarding claim 2, Sawahashi teaches a frequency adjustment block that receives the first correlated signal and produces the frequency adjustment signal (58 and 59 in Fig. 2).

Allowable Subject Matter

5. Claims 3-9 and 16-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 10-14 are allowed.
7. The following is an examiner's statement of reasons for allowance: None of the prior art teaches or suggests a cell search block in a CDMA receiver comprises a logic that derives a frequency adjustment signal from a first correlation signal and combines the frequency adjustment signal with a second correlated signal to reduce a frequency offset in the second correlated signal such that a secondary synchronization channel of a cell is acquired.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eva Y Puente whose telephone number is 571-272-3049. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the

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organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eva Yi Puente
/E. Y. P./
Examiner, Art Unit 2611

December 5, 2008

/Chieh M Fan/

Supervisory Patent Examiner, Art Unit 2611